IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3773 OF 2004

Shri Dinesh Chaturvedi ... Petitioner

versus

C.B.I. Anti Corruption Branch

Mumbai and another ... Respondents

...

Mr. Amit Sheth, for the Petitioner.

Mr. Satpute, for the C.B.I.

Mr. Saste, A.P.P., for the State.

...

CORAM : A.M.KHANWILKAR,J.

14th September 2004

P.C.:

. Heard Counsel for the parties. The principal grievance in this application is that the Court below has committed manifest error in not dispensing with the personal appearance of the Applicant inspite of the sufficient cause made out by the applicant, that too without recording any reason. After considering the rival submissions, to my mind, this application

can be disposed of by setting aside the order directing issuance of non-bailable warrant having regard to the medical certificate produced by the applicant at page 60 indicating that the applicant was suffering from slip disc ailment at the relevant time. However, it is made clear that the applicant shall personally appear before the trial Court on the next date of hearing on 12th October 2004 and make a formal application for dispensing with his personal appearance for the future dates, which will be considered by the trial Court on its own merits in accordance with law. It is made clear that this Court has not entered into the correctness of the grounds for discharging the applicant as the Counsel for the applicant fairly accepts that the same prayer is pending for consideration before the trial Court in Application No. 402 of 2004. The Court below will proceed to decide that application on its own merits in accordance with law. Petition disposed of on the above terms. It is made clear that if the applicant fails to appear before the trial Court on the next date of hearing i.e., 12th October 2004, it will be open to the trial Court to pass appropriate orders as may be deemed fit and appropriate.

. Parties to act on the authenticated copy of this order.

(A.M.KHANWILKAR,J.)